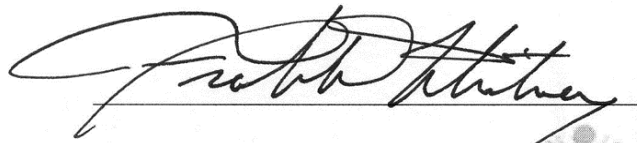


not resolve contests surrounding the facts, the merits of a claim or the applicability of defenses.” Microsoft Corp. v. Computer Support Servs. of the Carolinas, Inc., 123 F.Supp.2d 945, 949 (W.D.N.C. 2000) (citations omitted). Rule 12(f) provides that the Court may strike from a pleading “an insufficient defense or any redundant, immaterial, impertinent, or scandalous matters.” Fed. R. Civ. P. 12(f). the Court may act on its own or on a motion by a party. Id. Defendant Colwell argues that, if Plaintiff’s Motion to Dismiss is construed as a Motion to Strike, it would be untimely. The Court agrees. Moreover, Plaintiff has failed to show that any of the defenses at issue were insufficient or otherwise infirm. Plaintiffs’ Motions to Dismiss will therefore be denied.

IT IS THEREFORE ORDERED that:

- (1) Defendants’ Motion to Compel and for Sanctions, (Doc. No. 37), is **GRANTED**.
- (2) Plaintiff is directed to attend his deposition after receiving a renewed notice from Defendants. Plaintiff’s failure to comply with this Order may result in the imposition of sanctions including dismissal of this action with prejudice.
- (3) Plaintiff’s Motions to Dismiss Defendants’ Answers, (Doc. Nos. 30, 31, 32) are **DENIED**.

Signed: August 7, 2019


Frank D. Whitney
Chief United States District Judge 